

## **REMARKS**

### **I. General**

Claims 1-31 are pending in the present application. The outstanding issues in the current Office Action are as follows:

- The specification is objected to because it contains embedded hyperlinks and/or other form or browser-executable code;
- Claims 1-19 are rejected under 35 U.S.C. § 102(b) as being anticipated by GlobalScape, "CuteFTP Pro Technical Overview," White Paper, May 22, 2001 (hereinafter *CuteFTP*);
- Claim 20 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Altova Inc. & Altova GmbH, "XML Spy 4.0 Manual," September 10, 2001 (hereinafter *XML Spy*); and
- Claims 21-31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *XML Spy* in view of *CuteFTP*.

In response, Applicant respectfully traverses the outstanding claim objections and rejections, and requests reconsideration and withdrawal in light of the remarks presented herein.

### **II. Amendments to the Specification**

The Examiner has required Applicant to update the status of all parents priority applications and of all citations of U.S. filed applications. In response, Applicant has amended paragraphs [0001], [0022], [00026], [0031], [0036], and [0039] to include the serial numbers of each such application.

### **III. Objections to the Specification**

The Examiner has objected to the specification as containing embedded hyperlinks. Applicant respectfully asserts that the text which the Examiner believes to be embedded hyperlinks are, in fact, not hyperlinks. Instead, the text of the specification is intended to

reflect only the text of a URL. These representations of URLs are necessary to be included in the patent application in order to meet the requirements of 35 U.S.C. § 112, first paragraph. *See* M.P.E.P. § 608.01(VII). Moreover, Applicant does not intend to have that text be active hyperlinks. *See id.* Accordingly, Applicant respectfully requests that the Examiner withdraw the objection of record.

#### **IV. Claim Rejections Under 35 U.S.C. § 102**

Claims 1-19 are rejected under 35 U.S.C. § 102(b) as being unpatentable over *CuteFTP Pro*. Office Action at page 3. Applicant traverses the rejection and asserts that the claims are allowable, at least, for the reasons stated below.

In order to anticipate a claim under 35 U.S.C. § 102, a reference must teach every element of the claim. *See* M.P.E.P. § 2131. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987), *cited in* M.P.E.P. § 2131. Moreover, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989), *cited in* M.P.E.P. § 2131.

##### **A. Independent Claims 1 and 11**

Claims 1 and 11 require, in part, “browsing to a Web page to be edited . . . .” The Examiner does not point to any specific passage of *CuteFTP* that is believed to meet this limitation, and Applicant respectfully asserts that the reference does not teach or suggest such limitation. *See* Office Action at pages 3 and 4. In fact, Applicant points out that *CuteFTP* only discloses an FTP client, and that merely transferring a file to or from a server via an FTP client, even if that file is an HTML file, is not the same as “browsing to a Web page.” *See CuteFTP* at page 12. Applicant also points that while *CuteFTP* discloses an HTML editor, it does not teach that such editor is capable of even displaying a Web page. *CuteFTP* at page 11.

Claims 1 and 11 also require, in part, “automatically downloading a source file for said Web page from a file transfer server related to said Web page including related files associated with display of said Web page.” The Examiner relies upon the following passage of *CuteFTP* as meeting this limitation:

CuteFTP Pro includes advanced scripting capabilities that allow clients to automate routine tasks, such as downloading log files from a Web server or positing weekly sales reports to an FTP server.

*CuteFTP* at page 7. While *CuteFTP* may disclose automatically downloading or uploading log files, it does not teach or suggest that the log file is the source file for a Web page that has been browsed to. Moreover, *CuteFTP* does not teach or suggest automatically downloading related files associated with display of the Web page, as required by claim 1 and 11.

Claims 1 and 11 further require, in part, “automatically publishing said edited source file to said file transfer server associated with said Web site including said related files associated with said display of said Web page.” The Examiner relies upon *CuteFTP* as teaching or suggesting the periodic updating of a web site. Office Action at page 4. However, as noted above, *CuteFTP* does not teach or suggest that the file to be periodically uploaded be a source file for a Web page that has been browsed to. In addition, *CuteFTP* does not teach or suggest automatically publishing related files associated with display of the Web page, as required by claims 1 and 11. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of record with respect to claims 1 and 11.

**B. Dependent Claims 2-10 and 12-19**

Dependent claims 2-10 depend from claim 1, thus inheriting all the limitations of that independent claim. Similarly, dependent claims 12-19 depend from claim 11, thus inheriting all the limitations of that independent claim. As noted above, *CuteFTP* does not teach every element of independent claims 1 or 11. Consequently, *CuteFTP* also fails to teach every element of dependent claims 2-10 and 12-19. Moreover, each of these dependent claims recite additional limitations not taught or suggested by the applied art.

For example, claim 2 requires “scanning said Web page for page-dependent related files prior to said automatically downloading.” Claim 12 requires similar limitations. The Examiner relies upon *CuteFTP*’s “directory mirroring” feature as meeting this limitation. Office Action at page 4, *citing CuteFTP* at page 9. However, claims 2 and 12 refer to the “downloading” of files, whereas *CuteFTP*’s “directory mirroring” refers to the “uploading” of files. *See CuteFTP* at page 9 (“This is particularly useful if a client wants a Web site updated automatically every few minutes.”). Furthermore, there is no indication that *CuteFTP*’s “directory mirroring” scans a Web page for page-dependant related files, as required by claims 2 and 12. *See CuteFTP* at page 9.

Claim 3 requires, in part, “scanning said edited source file for modified page-dependent related files prior to said automatically publishing.” Claim 13 requires similar limitations. The Examiner again relies upon *CuteFTP*’s “directory mirroring” feature as meeting this limitation. Office Action at page 5, *citing CuteFTP* at page 9. However, Applicant asserts that *CuteFTP*’s “directory mirroring” merely updates every file within a selected directory. *See CuteFTP* at page 9. While *CuteFTP*’s “directory mirroring” may scan a directory to identify which files within a directory have been modified since a previous update, it does not scan an edited source file for modified related files prior to publishing, as required by claims 3 and 13.

Claim 5 requires, in part, “translating local links to said added page-related files to reflect a location of said added page-related files on said file transfer server.” Claim 15 requires similar limitations. The Examiner relies upon *CuteFTP*’s “directory mirroring” and “folder synchronization” features as meeting this limitation. Office Action at pages 5 and 6, *citing CuteFTP* at page 9. However, as noted above, *CuteFTP*’s “directory mirroring” merely copies every file within a selected directory. *See CuteFTP* at page 9. In addition, *CuteFTP*’s “folder synchronization” feature is essentially similar to “directory mirroring,” and merely “allows the user to duplicate a remote folder on the local drive . . .” *CuteFTP* at page 8. Neither of these features translates local links to added page-related files to reflect a location of such files on a file transfer server, as required by claims 5 and 15. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of record with respect to claims 2-10 and 12-19.

**V. Claim Rejections Under 35 U.S.C. § 103 Over *XML Spy***

Claim 20 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *XML Spy*. Office Action at page 12. Applicant traverses the rejection and asserts that the claim is allowable, at least, for the reasons stated below.

To establish a prima facie case of obviousness under 35 U.S.C. § 103(a), three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the references' teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See M.P.E.P. § 2143. Applicant asserts that the rejection does not satisfy the basic criteria.

**A. Lack of All Claimed Limitations**

Applicant respectfully points out that the Examiner has not specifically addressed many of the limitations required by claim 20, and that omnibus rejections of claims do not conform with Office policy. See M.P.E.P. § 707.07(d). Moreover, Applicant asserts that several of the limitations required by claim 20 are not taught or suggested by the prior art of record.

For example, claim 20 requires, in part, "displaying a Web browser in a first window of said GUI, wherein a user browses on said Web browser to locate a Web page to be edited." To the extent that the Examiner may be relying upon *XML Spy* as meeting this limitation, Applicant asserts that *XML Spy* only discloses an XML development environment. *XML Spy* at page 92. As, such, the "page window editor" referred to by the Examiner is an XML editor, not a Web browser. *XML Spy* at page 92. Applicant has been unable to find any teaching or suggestion that *XML Spy* is capable of displaying a Web browser, or that a user may browse on a Web browser to locate a Web page to be edited, as required by claim 20. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of record with respect to claim 20.

**B. Improper Motivation**

The Examiner has not provided any motivation or suggestion for the modification of *XML Spy* and/or for the combination of *XML Spy* with any other reference or with the knowledge generally available to a person of ordinary skill in the art. *See* Office Action at page 12. As such, a prima facie case of obviousness has not been made. M.P.E.P. § 2142. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of record with respect to claim 20.

**VI. Claim Rejections Under 35 U.S.C. § 103 Over *XML Spy* in view of *CuteFTP***

Claims 21-31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *XML Spy* in view of *CuteFTP*. Office Action at page 13. Applicant traverses the rejection and asserts that the claims are allowable, at least, for the reasons stated below.

**A. Lack of All Claimed Limitations**

**1. Independent Claim 21**

Claim 21 requires, in part, “a Web browser displayed to said user in a main window of said GI.” The Examiner relies solely upon *XML Spy* as meeting this limitation. Office Action at page 14. As previously noted, however, while *XML Spy* may disclose an XML editor, it does not teach or suggest a Web browser. *XML Spy* at page 92. Similarly, *CuteFTP* only discloses an FTP client, not a Web browser. *CuteFTP* at page 12. Therefore, the combination of *XML Spy* with *CuteFTP* does not teach or suggest a Web browser, as required by claim 21.

Claim 21 also requires, in part “an edit indicator, associated with said display of said Web browser, presented to said user on said GI, wherein said edit indicator controls execution of retrieval logic.” The Examiner relies solely upon *XML Spy* as meeting this limitation. Office Action at page 14. However, Applicant has been unable to find any passage of *XML Spy* which discloses an edit indicator that controls the execution of retrieval logic. Applicant asserts that *CuteFTP* does not disclose the claimed edit indicator either.

Therefore, the combination of *XML Spy* with *CuteFTP* does not teach or suggest an edit indicator that controls the execution of retrieval logic, as required by claim 21.

Claim 21 further requires, in part, “a publish indicator, associated with a display of said edit screen, presented to said user on said GI, wherein said publish indicator controls execution of said upload logic.” The Examiner admits that *XML Spy* does not disclose this limitation and relies upon *CuteFTP* as disclosing “upload logic available either automatically or manually.” Office Action at page 14. However, the automatic or manual uploading of *CuteFTP* is not the same as the claimed limitation. Applicant respectfully asserts that the combination of *XML Spy* with *CuteFTP* does not teach or suggest a publish indicator that controls the execution of upload logic, as required by claim 21. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of record with respect to claim 21.

## 2. Dependent Claims 22-31

Dependent claims 22-31 depend from claim 21, thus inheriting all the limitations of that independent claim. As noted above, the combination of *CuteFTP* and *XML Spy* does not teach every element of independent claim 21. Consequently, the combination of *CuteFTP* and *XML Spy* also fails to teach every element of dependent claims 22-31. Moreover, each of these dependent claims requires additional limitations not taught or suggested by the applied art.

For example, claim 22 requires “code for analyzing said Web page for page-dependent related files.” The Examiner relies upon *CuteFTP*’s “directory mirroring” feature as meeting this limitation. Office Action at page 14, *citing CuteFTP* at page 9. However, claim 22 refers to the “retrieval” of files, whereas *CuteFTP*’s “directory mirroring” refers to the “updating” of files. *See CuteFTP* at page 9 (“This is particularly useful if a client wants a Web site updated automatically every few minutes.”). Furthermore, there is no indication that *CuteFTP*’s “directory mirroring” analyzes a Web page for page-dependant related files, as required by claim 22. *See CuteFTP* at page 9. Applicant respectfully asserts that the

combination of *CuteFTP* with *XML Spy* does not teach or suggest code for analyzing a Web page for page-dependent related files, as required by claim 22

Claim 23 requires, in part, “code for automatically downloading page-dependant related files.” Again, there is no indication that *CuteFTP*’s “advanced scripting” can even identify, much less automatically download page-dependant related files, as required by claim 23. See *CuteFTP* at page 7. Applicant respectfully asserts that the combination of *CuteFTP* with *XML Spy* does not teach or suggest code for automatically downloading page-dependant related files, as required by claim 23.

Claim 24 requires, in part, “code for checking said edited source file for modified page-dependent related files prior to said automatically publishing.” The Examiner again relies upon *CuteFTP*’s “directory mirroring” feature as meeting this limitation. Office Action at page 15, citing *CuteFTP* at page 9. However, Applicant asserts that *CuteFTP*’s “directory mirroring” merely updates every file within a selected directory. See *CuteFTP* at page 9. While *CuteFTP*’s “directory mirroring” may scan a directory for modified files prior to uploading, it does not scan an edited source file for modified related files prior to publishing. Applicant respectfully asserts that the combination of *CuteFTP* with *XML Spy* does not teach or suggest code for checking an edited source file for modified page-dependent related files prior to automatically publishing, as required by claim 24.

Claim 26 requires, in part, “code for translating local links to said added page-related files to reflect a location of said added page-related files on said file transfer server.” The Examiner relies upon *CuteFTP*’s “directory mirroring” and “folder synchronization” features as meeting this limitation. Office Action at page 16, citing *CuteFTP* at page 9. However, as noted above, *CuteFTP*’s “directory mirroring” merely copies every file within a selected directory. See *CuteFTP* at page 9. *CuteFTP*’s “folder synchronization” feature is essentially similar to “directory mirroring,” and merely “allows the user to duplicate a remote folder on the local drive . . . .” *CuteFTP* at page 8. Neither of these features translate local links to added page-related files to reflect a location of such files on a file transfer server. Applicant respectfully asserts that the combination of *CuteFTP* with *XML Spy* does not teach or suggest code for translating local links to added page-related files to reflect a location of the added



page-related files on a file transfer server, as required by claim 26. Accordingly, Applicant respectfully requests that the Examiner withdraw the 35 U.S.C. § 103 rejection of record with respect to claims 22-31.

B. Improper Motivation

The Examiner states that:

[t]he motivation to combine [*CuteFTP* with *XML Spy*] is taught in *CuteFTP* in that it is designed to upload web compatible software to the web[,] and web compatible software is taught to be created using *XML Spy*.

Office Action at page 14. In other words, the Examiner's proposed motivation is only a statement that the references **can be** combined. It does not state any desirability for the combination of an FTP client with an XML editor. Applicant respectfully points out that the mere fact that references **can be** combined does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680 (Fed. Cir. 1990), *cited in* M.P.E.P. § 2143.01.

There is no suggestion or motivation, either in the prior art or the knowledge available to a person of ordinary skill in the art, to combine the FTP client of *CuteFTP* with the XML editor of *XML Spy*. Accordingly, Applicant respectfully requests that the Examiner withdraw the 35 U.S.C. § 103(a) rejection of record with respect to claims 21-31.

VII. **Conclusion**

In view of the above, Applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge Deposit Account No. 06-2380, under Order No. 47583/P042US/10311288 from which the undersigned is authorized to draw.

Dated: June 14, 2006

Respectfully submitted,

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